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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,539	06/01/2001	Mitchell T. Berg	29820.8	2258

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EXAMINER
SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/872,539	BERG, MITCHELL T.
	Examiner	Art Unit	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 February 2005</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-44* is/are pending in the application.
   4a) Of the above claim(s) *21-44* is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-20* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>02/22/2005</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-44 are presented for examination. Claim 21-44 is new claims

and restricted.

2.   The information disclosure statement (IDS) submitted on 02/22/2005

was filed after the mailing date of the office action on 09/20/2004. The

submission is in compliance with the provisions of 37 CFR 1.97. Accordingly,

the information disclosure statement is being considered by the examiner.

Election/Restrictions

3.   Newly submitted claims 21-44 directed to an invention that is

independent or distinct from the invention originally claimed for the following

reasons:

        Server farm comprising first server and second server and first server

communicating with second server.

        Since applicant has received an action on the merits for the originally

presented invention, this invention has been constructively elected by

original presentation for prosecution on the merits. Accordingly, claims 21-

44 withdrawn from consideration as being directed to a non-elected

invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5.   Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by

Colby et al. (6,006,264) (hereinafter Colby).

6.   As per claims 1 and 11, Colby discloses an information processing

system and method, comprising:

a first computing device configured to:

receive a first information packet (col 4, lines 63-67) originating from

a client (col 8, lines 35-40);

in response to the first information packet (col 4, lines 63-67),

identify a computing device (110, fig 1b) that stores a data structure

of a connection with the client (col 8, lines 35-40);

when the identified computing device is the first computing device (col

8, lines 40-43), perform an operation of a server application in response to

the first information packet (col 8, lines 44-49); and

when the identified computing device is a second computing device

(col 8, lines 49-55), output a second information packet (col 4, lines 63-67)

to the second computing device, wherein the second computing device is

configured to perform the operation in response (col 8, lines 9-15) to the

second information packet (col 4, lines 63-67), the second information

packet (col 4, lines 63-67) including a reference to the data structure (col 7,

lines 41-45), the reference being included (redirect, col 8, lines 9-15) within

a single header of the second information packet (col 7, lines 41-45 and col

8, lines 34-46).

7.   As per claims 2 and 12, Colby discloses the second information packet

includes the first information packet (modified, col 8, lines 9-15).

8.   As per claims 3 and 13, Colby discloses the reference includes an IP

address of the client (col 6, lines 58-63), a port of a second application

executed by the client (col 6, lines 7-20), an IP address of the second

computing device client (col 6, lines 58-63), and a port of the first

application executed by the second computing device client (col 6, lines 58-

63).

9.   As per claims 4 and 14, Colby discloses the port of the first application

is a TCP port (col 1, lines 49-54).

10.   As per claims 5 and 15, Colby discloses the port of the first application

is a UDP port (col 1, lines 49-54).

11.   As per claims 6 and 16, Colby discloses the first computing device is

configured to receive the first information packet through a global computer

network (internet, col 4, lines 60-67).

12.   As per claims 7 and 17, Colby discloses the first computing device is

for: when the identified computing device is a second computing device (col

8, lines 34-46), outputting the second information packet to the second

computing device through a local area network (col 5, lines 22-25).

13.   As per claims 8 and 18, Colby discloses the server application is a

socket application (the Office takes the term "socket application" as any

application which either uses, controls, or interfaces with a socket, such as a

web server, 120b, fig 1b,col 1, lines 49-58).

14.   As per claims 9 and 19, Colby discloses the first computing device

comprise a network interface card (this is the inherent feature of Colby,

since the Server would be unable to communicate with network if a NIC was

not installed on the server, 120b, fig 1b).

15.   As per claims 10 and 20, Colby discloses the first information packet

(TCP SYN, col 10, lines 40-41) is addressed by the client to the first

computing device (col 10, lines 40-41), and wherein the first computing

device is configured to receive the first information packet TCP SYN, col 10,

lines 40-41) in response to the addressing (col 10, lines 44-50).

Response to Arguments

16.   Applicant's arguments filed 02/22/2005 have been fully considered but

they are not persuasive, therefore rejections to claims 1-20 is maintained.

Claims 21-44 are new and restricted.

17.   In the remarks applicants argued that:

  A. Colby does not disclose a first computing device for: receive

  a first information packet originating from a client; in response

  to the first information packet, identify a computing device that

  stores a data structure of a connection with the client; when the

  identified computing device is the first computing device,

  perform an operation of a server application in response to the

  first information packet; and when the identified computing

  device is a second computing device, output a second

  information packet to the second computing device, wherein the

  second computing device is configured to perform the operation

  in response to the second information packet, the second

  information packet including a reference to the data structure,

  the reference being included within a single header of the second

  information packet.

18.   In response to applicant's argument A, examiner respectfully

disagrees. Colby discloses a first computing device (100a, 110, fig 1b, web

server) configured to: receive a first information packet (col 5, lines 42-51

and col 4, lines 63-67) originating from a client (col 8, lines 35-40); in

response to the first information packet (the request comes from the client

to the web server, col 5, lines 42-51 and col 4, lines 63-67), identify a

computing device (100a-c, 110, fig 1b, switch identifies the computing

devices that is one of the server in the server farm) that stores a data

structure of a connection with the client (col 8, lines 35-40 and col 5, lines

62-67, flow switch establishes the connection between client and server);

when the identified computing device is the first computing device (col 8,

lines 40-43 and 100a-c,110, fig 1b, switch identifies the computing devices

that is one of the server in the server farm), perform an operation of a

server application in response to the first information packet (col 8, lines 44-

49); and when the identified computing device is a second computing

device (col 8, lines 49-55), output a second information packet (packets are

transmitted from one end to other end, col 4, lines 63-67) to the second

computing device, wherein the second computing device is configured to

perform the operation in response (col 8, lines 9-15 and col 5, lines 62-67,

flow switch establishes the connection between client and server) to the

second information packet (col 4, lines 63-67), the second information

packet (col 4, lines 63-67) including a reference to the data structure (col 7,

lines 41-45), the reference being included (redirect, col 8, lines 9-15) within

a single header of the second information packet (it is inherent in the

context of http get command, col 7, lines 41-45 and col 8, lines 34-46 and

col 4, lines 60-67 and col 5, lines 1-13, forwarding includes the information).

Conclusion

19.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

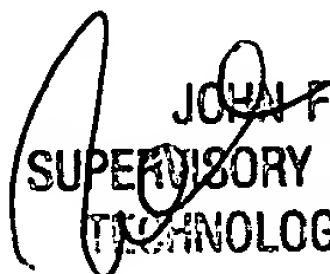extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to

expire THREE MONTHS from the mailing date of this action. In the event a

first reply is filed within TWO MONTHS of the mailing date of this final action

and the advisory action is not mailed until after the end of the THREE-

MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply

expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Mohammad A. Siddiqi whose

telephone number is (571) 272-3976. The examiner can normally be

reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

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